

ESTTA Tracking number: **ESTTA266452**

Filing date: **02/13/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding.	92049105
Applicant	Defendant Safeway Inc.
Other Party	Plaintiff Eat Right Foods Limited

Motion for Suspension for Settlement With Consent

The parties are actively engaged in negotiations for the settlement of this matter. Safeway Inc. requests that this proceeding be suspended for 90 days to allow the parties to continue their settlement efforts.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	07/19/2009
Discovery Closes :	08/18/2009
Plaintiff's Pretrial Disclosures :	10/02/2009
Plaintiff's 30-day Trial Period Ends :	11/16/2009
Defendant/Counterclaim Plaintiff's Pretrial Disclosures :	12/01/2009
30-day Trial Period for Defendant and Plaintiff in the Counterclaim :	01/15/2010
Counterclaim Defendant's and Plaintiff Rebuttal Disclosures Due :	01/30/2010
30-day Trial Period for Counterclaim Defendant and Rebuttal Testimony as Plaintiff ends :	03/16/2010
Counterclaim Plaintiff's Rebuttal Disclosures Due :	03/31/2010
15-day Rebuttal Period for Counterclaim Plaintiff Ends :	04/30/2010
Plaintiff's Trial Brief Due :	06/29/2010
Defendant's Trial Brief and Plaintiff in the Counterclaim Due :	07/29/2010
Brief for Defendant in the Counterclaim and Reply Brief, if any, for Plaintiff Due :	08/28/2010
Reply Brief, if any, for Plaintiff in the Counterclaim Due :	09/12/2010

Safeway Inc. has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Safeway Inc. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,

/jsw/

Jordan S. Weinstein

jweinstein@oblon.com, tmdocket@oblon.com

eatright@xtra.co.nz

02/13/2009